IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.411 OF 1998

IN

SUMMARY SUIT NO. 4310 OF 1996

Payal Electronics and Video P.Ltd .....Plffs.
vs.
Video City India Ltd .....Defnds.

Ms.Alpana Ghone i/b. Kanga and Co.
for the plaintiffs.
Mr.Ishwar Nankani, advocate
for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 6th September, 2005.

P.C. :.

1. The present suit is filed for the recovery of a sum of Rs.1,14,018.31/- towards the goods sold and delivered. From the invoice it is indicated that there are no separate delivery challans but sOME signatures are there on the delivery challans. In

some cases a rubber stamp of the defendant is there and in some cases there is no rubber stamp. It is an admitted position that the demand notice issued is incorrect. However in para-5 it is sought to be explained that the demand notice is a combined notice inrespect of a combined claim of both the plaintiff and another sister concern known as Payal Electronics.

2. However neither the said notice nor any subsequent correspondence indicate the actual amount due and payable by the defendant to the plaintiff. In view thereof triable issue arises. Suit is transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

SD/-

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